IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA

Cr.A No.375 of 1993

Decided on : December 18, 2007

State of H.P. **…Appellant.**

Versus

Kamli Devi **…Respondent.**

Coram

The Hon'ble Mr. Justice Surjit Singh, Judge.

The Hon'ble Mr. Justice Surinder Singh, Judge.

Whether approved for reporting?

For the Appellant : Mr. Som Dutt Vasudeva, Additional Advocate General, with Mr. D.S. Nainta, Deputy Advocate General.

For the Respondent : Mr. N.S. Chandel, Advocates.

Surjit Singh, Judge(Oral)

Respondent is the mother-in-law of deceased Savita Devi, who committed suicide on 14th August, 1990, by consuming aluminum phosphide. The marriage of the deceased with the son of the respondent had taken place within seven years of her committing the suicide. Father of the deceased PW-1 Prabhu Ram lodged a report with the police that the deceased used to be harassed by her husband and the respondent, on account of insufficiency of dowry and that she was not treated well. Police registered a case, under Section 304-B IPC, and on completion of investigation challaned the respondent. The husband of the deceased was given a clean chit.

2. Trial Court framed charge for the offence punishable, under Section 304-B IPC, against the respondent. Respondent pleaded not guilty. Prosecution examined 14 witnesses to bring the charge home. Respondent denied having ever demanded dowry or

---

Whether reporters of the local papers may be allowed to see the judgment?

illtreated or harassed the deceased. Trial Court acquitted the respondent. State has appealed against the judgment of acquittal.

3. We have perused the record and heard the learned Additional Advocate General.

4. Evidence with regard to the allegation of harassment is too vague. The statements of the witnesses are of general type. The witnesses have stated that the deceased used to complain that she was harassed by the respondent for her father having not given sufficient dowry at the time of the marriage. None of the witnesses, including father of the deceased PW-1 Prabhu Ram, testified as to what were the alleged acts/omissions/conduct of the respondent that constituted harassment. Also, we find that the evidence with regard to the allegation of demand for dowry is contradictory and vague. PW-1 Prabhu Ram testified that once a sum of Rs.5,000/- had been demanded for separate living of the deceased and her husband. He stated that this money was demanded from him by the deceased at the instance of her husband and not the respondent, but PW-2 Ram Dass Sharma stated that the aforesaid amount of money had been demanded by the deceased at the instance of the present respondent.

5. PW-9 Daya Ram stated that once the respondent complained to him that even though PW-1 Prabhu Ram, the father of the deceased, was the Pradhan of the Panchayat, he had not given any dowry at the time of her marriage. He, however, did not say that the deceased was harassed by the respondent. PW-10 Inderjeet stated that the deceased used to tell him that the respondent used to often complain that the father of the deceased had not given any dowry and on account of that she used to illtreat the deceased. He, however, gave no instance of the alleged illtreatment.

6. It has come in evidence that after the birth of the first child of the deceased and before her second conception, she alongwith her husband had gone to respondent's brother's place in a different village and it was there that the deceased conceived for the second time and from there her husband took her to her parents' place and left her there before delivery. It has also come in evidence that the husband of the deceased had been working as a daily-waged labourer and had his own independent income. There is no allegation of harassment by the husband of the deceased, in the evidence led during the course of trial, even though in the FIR allegation was made against him also by the father of the deceased.

7. Now, when the deceased and her husband had started living separate from the respondent and the husband of the deceased was having his own income, the alleged harassment of the deceased by the respondent could not have been a cause for the former to take the extreme step (of taking her life). We find on record a prescription slip, Ex. PL, showing that the deceased was suffering from peptic dyspepsia and had been prescribed some medicine for the said ailment. Some phials containing tablets and *Churan* etc. were recovered. May be that she used to take *Churan* etc. and indigenous preparation for the treatment of the ailment and might have taken poisonous tablet of aluminum phosphide by mistake.

8. In view of the abovestated position, we do not think this is a fit case for interfering with the judgment of acquittal. Hence, the appeal is dismissed.

(Surjit Singh), J

December 18, 2007(sd) **(Surinder Singh), J**